

JCWSCS 26 JAN 2005



CALFEE, HALTER & GRISWOLD LLP

December 9, 2004

TO: Commissioner for Patents

CONFIRMATION

FAX NUMBER: 703-308-7751

PHONE NUMBER:

SEND ONLY TO THE ABOVE FAX NUMBER:

FROM: Brian Kondas

DIRECT DIAL PHONE NUMBER: 216-622-8308

CLIENT NO.: 28679/04558

CLIENT NAME: Bendix

NUMBER OF PAGES (including this page): 12

MESSAGE:

CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this document is being transmitted
via Facsimile to the Commissioner for Patents, Mail Stop PCT
Recordation Services, Fax No. (703) 305-3230
on this 9th day of December, 2004.

Signed: (JF1580.DOC.S)

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If there is a problem with this transmission, please contact the Fax Department at: 216/622-8426, 216/622-8428, or 216/622-8522. Facsimiles can be received 24 hours per day, 7 days each week at 216/241-0816. Thank you.

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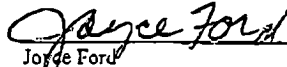
Cleveland Fax Number • 216/241-0816

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document is being facsimile transmitted to the OIPE Customer Service at the United States Patent and Trademark Office on this date 12-9-04 2004 to (703) 308-7751.


Joyce Ford

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eberling, et al.)	Art Unit: 3683
)	
Serial No.: 10/637,150)	Confirmation No.: 3424
)	
Filed: August 8, 2003)	Examiner: Unknown
)	
For: AIR SYSTEM MODULE INCLUDING RESERVOIR AND MOUNTING STRUCTURE)	Attorney Docket No. 28679/04558
)	

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

On October 27, 2004, the USPTO issued a Notice of Abandonment for the above-referenced application (The Notice).

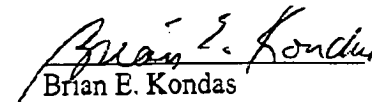
The Notice states that the application is abandoned for failure to reply to The Notice to File Missing Parts mailed November 7, 2003. However, applicants submitted a timely submission of Response to the Notice to File Missing Parts on January 7, 2004. A copy of the January 7, 2004 Response to Notice to File Missing Parts submission, as well as the return receipt postcard for the January 7th Response to Notice to File Missing Parts submission, is attached hereto as evidence of the timely submission.

Applicant believes that this evidence is sufficient to establish a timely response and thus requests withdrawal of the Notice of Abandonment mailed on October 27, 2004.

It is believed that no fee is due for entering this petition, however, should the Commissioner determine that a fee is due, the Commissioner is hereby authorized to charge any additional fees to deposit account no. 03-0172.

Respectfully submitted,

Date: December 9, 2004


Brian E. Kondas
Calfee, Halter & Griswold LLP
Reg. No. 40,685
216-622-8308



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/637,150	08/08/2003	Charles E. Eberling	28679/04558

CONFIRMATION NO. 3424

ABANDONMENT/TERMINATION
LETTER

OC000000014210043

24024

CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

Date Mailed: 10/27/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/07/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/637,150	08/08/2003	Charles E. Eberling	28679/04558

CONFIRMATION NO. 3424

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Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 11/07/03.

Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

Deposited with the United States Postal Service with sufficient postage as first class mail an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this, the 14 day of January, 2004.

Inventor: Eberling, et al.
Title: AIR SYSTEM MODULE INCLUDING RESERVOIR
AND MOUNTING STRUCTURE

Serial No.: 10/637,150
Filed: August 8, 2003
Filing of: Response to Missing Parts
Docket No.: 28679/04558

PES/mdl

Please acknowledge receipt of the following:

- ☒ Response to Missing Parts (2 pgs.)
- ☒ Copy of Response to Missing Parts (2 pgs.)
- ☒ Executed Declaration and POA (3 pgs)
- ☒ Return receipt postcard

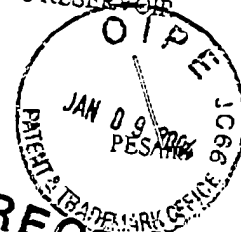
*Sent to
docket
1/7/04*

Deposited with the United States Postal Service with sufficient postage as first class mail an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this, the 14 day of January, 2004.

Inventor: Eberling, et al.
Title: AIR SYSTEM MODULE INCLUDING RESERVOIR
AND MOUNTING STRUCTURE
Serial No.: 10/637,150
Filed: August 8, 2003
Filing of: Response to Missing Parts
Docket No.: 28679/04558

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- ☒ Copy of Response to Missing Parts (2 pgs.)
- ☒ Executed Declaration and POA (3 pgs)
- ☒ Return receipt postcard



RECEIVED

JAN 15 2004

IP. DEPT.

CERTIFICATE OF MAILING

I hereby certify that this application is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on January 7, 2004.

Signature

Mary Leskiewicz

Printed Name:

Mary Leskiewicz

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Eberling, et al.

)

Examiner: Not Yet Assigned

)

)

Serial No.: 10/637,150

)

Art Unit: 3687

)

)

Filed: August 8, 2003

)

)

For: **AIR SYSTEM MODULE INCLUDING
RESERVOIR AND MOUNTING
STRUCTURE**

)

)

)

Docket No: 28679/04558 (03-012 US)

Assistant Commissioner for Patents

P.O. Box 1450

Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

In response to the Notice to File Missing Parts dated November 7, 2003 applicants respectfully submit a copy of Response to Notice to File Missing Parts, a fully executed Declaration and Power of Attorney. Also enclosed is a copy of the Notice to File Missing Parts received from the Patent Office.

Please charge the \$130 surcharge and any additional fees to Deposit Account No. 03-0172. Please credit any overpayment to same Deposit Account. A duplicate of this paper is attached.

Respectfully submitted,

Date:

1-7-04Paul E. Szabo

Paul E. Szabo (Reg. No. 30,429)

216/622-8578

Anthony Nguyen
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/637,150	08/08/2003	Charles E. Eberling	28679/04558

24024
CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

CONFIRMATION NO. 3424

FORMALITIES LETTER


OC000000011203233

Date Mailed: 11/07/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*